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ABSTRACT

Consisting of four scholarly papers which have been edited for easier reading, this book considers the issue of tribal sovereignty from before the white man's arrival on this continent to the present day. The focus of the first paper is primarily cultural: the next three papers deal with the sequence of events. Dr. Fay G. Cohen's paper describes Indian tribes and cultures before the coming of the European to North America and traces the difficulties experienced by Indians in maintaining their tribal identity. Each of the next three papers, written by three historians, studies a different period of policy development and emphasizes the effect the white man and his government have had on tribal ways of life. Dr. Mary E. Young's paper covers policy development to 1871: W. Roger Buffalohead details policy development from 1871-1920: Dr. D'Arcy McNickle discusses policy development for the years 1920-1977. (CM)

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TRIBAL SOVEREIGNTY:
INDIAN TRIBES IN U.S. HISTORY

edited by Fay G. Cohen, Ph.D.
Jeanne Heuving

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This book was made possible through funds from the United States Office of Education and is based on a 1977 conference Indian Tribes: Their Sovereignty and Washington State, sponsored by the Washington Commission for the Humanities.

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Introduction: Tribal Sovereignty: Indian Tribes in U.S. History

Before the arrival of the Europeans in North America, Indian tribes were completely self-governing. They were sovereign societies. Tribal Sovereignty: Indian Tribes in U.S. History considers the issue of tribal sovereignty from before the white man's arrival on this continent to the present day. For the most part U.S. government policies have aimed at breaking down tribal rule; only in recent history has the government begun to come around to what the tribes themselves have long urged: a policy of self-government for Indian groups.

The main body of Tribal Sovereignty: Indian Tribes in U.S. History consists of four scholarly papers which have been edited for easier reading. The first paper was delivered at a symposium in Seattle, Washington, "Indian Tribes: Their Sovereignty and Washington State," sponsored by United Indians of All Tribes Foundation and the Indian Teacher Education

Program at the University of Washington. The other three papers were handed out as background materials to symposium participants and were prepared for the American Indian Policy Review Commission, a special governmental body created for the purpose of studying Indian affairs and making recommendations for the future.

In the first paper Dr. Fay G. Cohen, an anthropologist, discusses Indian tribes and cultures before the coming of the European to North America. We view the native population as hundreds of distinct groups of people who did not see themselves as Indians but as members of tribal groups.

The next three papers written by three historians-- Dr. Mary E. Young; W. Roger Buffalohead, Ponca, and Dr. D'Arcy McNickle, Flathead-- look at the affect the white man and his government had on tribal ways of life. Very early on and throughout the history of white-Indian relations, the idea that the Indian should become like the white man has been brought forth. At different times and for different reasons this idea has been promoted; for Indians it has meant an almost continual life and death struggle to retain their tribal identities.

In recent times, while Indians still very much maintain their spearate tribal identities, a national identity of themselves as "Indians"

has arisen. Dr. D'Arcy McNickle comments in the final paper in this book:

> After World War II, Indians in increasing numbers found jobs in the cities. Still relatively few of them lived there permanently. A pattern of commuting between the reservations and the city began to emerge.
>
> Inter-tribal organizations came into existence. Indians found themselves talking about things they had in common-- shared experiences and shared problems.
>
> This was a new development. With only a few exceptions, the tribes had no traditions of forming long-term alliances. (ed. version)

This book was prepared by an inter-tribal group, United Indians of All Tribes Foundation, in Seattle, Washington. It was created out of an awareness of the virtual absence of much of the information included here in secondary texts.

We hope that in reading it you will understand that the questions under discussion are pressing concerns to Indian people now. Tribal Sovereignty: Indian Tribes in U.S. History does not so much

express the Indian point of view as simply tell the facts-- since up until recently they have been largely ignored.

Introduction -- Indian Tribes As Governments: An Anthropological View

Dr. Fay Cohen is a cultural anthropologist. Cultural anthropologists study the different ways that people live -- their cultures.

In "Indian Tribes as Governments: An Anthropological View," Dr. Cohen looks at how different Indian groups lived before the Europeans came to North America. In her paper you will find that American Indians lived in a variety of ways, from very small groups which moved from place to place in search of food to very large groups which were settled and planted their food. Dr. Cohen is especially interested in the ways the different groups governed themselves and concludes her paper with the changes that the European brought to Indian governments. She does this from an "anthropological" point of view. That is, she studies these changes from the point of view of the changes in the kinds or patterns of government.

Following Dr. Cohen's paper, you will read about these changes in greater detail from

the point of view of three historians. In these papers, you will look at the changes event by event in the order in time in which they occurred. The fields of anthropology and history are not completely separate. However, where Dr. Cohen is more concerned with the culture, or the ways of life of a people; the historians direct their attention to the sequence of events, why and how things came to be as they are.

Indian Governments: An Anthropological View

by Dr. Fay G. Cohen

Today there are hundreds of Indian tribes in North America. There are more than a million Indian people. In this paper, we will look backward from today into the past. We will talk about how Indian people lived and what changes the European brought to this way of life. We will talk about Indian governments, or how different groups of Indians decided things that were important to them.

HOW DO WE KNOW ABOUT THE LIVES OF EARLY INDIANS?

1. Indian oral histories
2. accounts of explorers and missionaries
3. early studies by anthropologists and ethnohistorians
4. archaeology
5. practice of traditions today

INDIAN GOVERNMENTS

Living in different groups in various parts of the country, Indians formed many separate peoples. They spoke many different languages, perhaps 300 in North America alone. Generally speaking, a group's form of government was related to

1) the size of the group, 2) the physical closeness in which the group lived, and 3) the manner in which the group gathered food. Each of these factors were in turn greatly influenced by the geography and climate in which people lived.

Small Bands In the most rugged landscapes where food was scarce or the climate hard, people lived in small groups. These "bands", as they were often called, usually had no more than 100 people. They moved from place to place in rhythm with the seasonal cycle of the animals they hunted and the wild plants that they gathered. The Eskimos had this kind of hunting and gathering lifestyle. So did the Athabascans who lived in the Sub-Arctic. The Shoshones, the Utes, and the Paiutes were hunters and gatherers in the semi-arid lands of the West.

In such small living groups, everyone knew each other. They decided things together by talking in an informal way until they had reached "consensus". The older men who were wise and skilled often took a leading role. Different men would have certain areas of knowledge and were looked to when their expertise was necessary. For

WHERE DID INDIANS COME FROM?

Different Indian groups have different legends which explain the origin of their people. Here is the Kiowa explanation of their beginning as it appears in N. Scott Momaday's The Way To Rainy Mountain. Momaday is a Kiowa and has received the Pulitzer prize for his book, House Made of Dawn.

> You know, everything had to begin, and this is how it was: the Kiowas came one by one into the world through a hollow log. They were many more than now, but not all of them got out. There was a woman whose body was swollen up with child, and she got stuck in the log. After that, no one could get through, and that is why the Kiowas are a small tribe in number. They looked all around and saw the world. It made them glad to see so many things. They called themselves Kwuda, "coming out."

WHERE DID INDIANS COME FROM?

Many scientists believe that 10,000 to 70,000 years ago North America and

example, people would listen to the super hunter when they needed to know when or where to move next. They would turn to the person who felt himself a brother to the antelope when they needed to know when to start on the antelope drive.

Small bands did not collect great wealth. For one reason, the rugged landscape provided for very little. In addition, it would have been too hard to carry with them. They did not go to war very often since they had little to protect. Most let outsiders hunt or gather on their territory if the outsiders asked permission. Sometimes if there was a surplus of food, they would invite other tribes to share it.

A hunting and gathering existence, based on small group organization, was common among Indian groups in many parts of North America. It has also been the way in which humans in all parts of the world have lived for most of the vast amount of the time they have been in existence.

Complex Cultures of the Northwest Coast

When the land was not so rugged and the environment offered greater gifts, groups would settle more permanently. The Northwest Coast was an abundant environment

and Asia were connected by a "bridge of land." According to this theory, small groups of people came across the bridge, following the herds of animals that they hunted. Over the years, the groups of people spread, moving across the North American and South American continents. In fact, when Columbus arrived in North America in 1492, there may have been as many as 10 million people living in North America alone.

with its salmon and variety of seafood, wildlife, and plants. From the forests, with their tall and massive trees came wood for the production of large group houses, canoes, and other objects.

The cultures of the Northwest Coast are believed to be the most complex hunting and gathering cultures of the world. Wealth in food and objects was collected and given away at ceremonies called potlatches. Potlatches were held to commemorate certain events such as taking on a new name or title, marriages, and funerals. The host would give his guests gifts in payment and thanks to them for witnessing an event important in his life.

In terms of government, there was variation from group to group. Generally, each local village had its own government, although villages would sometimes band together. The Tlingit, for example, were organized into territories of about 700 people, with several villages in each territory.[2] Within the villages people were of different social ranks. Ranks ranged from nobles to slaves (who were generally war captives). Ancestry and wealth determined how high a person was on

CONSENSUS

Several times in the discussion of Indian governments the word consensus is used. In many parts of the country, among groups of very different lifestyles, people would gather in councils and listen to each other talk. They would discuss matters of concern to the group until a feeling of general agreement, or consensus, was reached. The process was more complex among larger groups and groups where a greater number of decisions had to be made. However, the mode of decision-making was by consensus of those involved rather than by majority rule.

Today, consensus, or group agreement, is an important value strived for in Indian groups and governments.

INDIAN TERMS FOR LEADERS

The words for leader in different Indian languages reflect the non-authoritarian view of the leader

the social ladder. The men of the highest rank would rise to the position of leader when the situation demanded it. Although these societies were not egalitarian, they did not have authoritarian kinds of governments.

Agricultural Societies Although agriculture was later seen as the white man's "civilizing" gift to the Indians, many Indian groups had raised crops for centuries before the Europeans came. In North America, evidence exists of planted crops as many as 4,000 years ago, a practice which probably came north from Mexico beginning there more than 4,000 years earlier. Many groups raised crops in conjunction with hunting and gathering their food.

In most agricultural societies, governments with strong leaders and complex political processes evolved. Once a group settled down, they were more open to raids and attacks from enemies. They needed leaders to organize their defense and to make decisions on war and peace. In farming societies, people generally lived close together. Families and individuals often had their own plot of land. Thus, more cause for disagreement existed.

One example of a type of political organization among farming people was the

in most Indian societies.

Eskimo (central)	isumatag	"he who thinks"[3]
Shoshoni	tegwoni	"good talk thrown out to the people"[4]
Choctaw	minko	"the one who is leading"[5]

Pueblo people of the Southwest. When the Spanish first arrived in the Southwest in the 1540's, they found some 80 pueblos. (The word, pueblo, means town or village in Spanish.) Most pueblos had strong religious leaders who were also the political leaders of their people. They sat on a Pueblo Council which was led by a civil priest and a war priest. The Council acted as a court to settle disagreements. The village was policed from within and protected from without by a warrior society.

Other farming groups in North America included the Natchez of the Southeast and the Iroquois of the Northeast. An interesting fact among the Iroquois is that the women selected the male leaders.

THE PICTURE CHANGES

The coming of the European meant many, many changes for the Indian. We shall briefly point out a few of these, and the impact they had on Indian governments.

Disease. The Europeans introduced diseases to which the Indians had no immunity. The reduction of population was cataclysmic. Estimates of the number of Indians that died from white diseases have been estimated

FOODS CULTIVATED AND USED BY INDIANS

Many foods that we eat today were first cultivated or used by Indians in North, Central, and South America. Some of them are:

- potatoes
- corn
- yams (one variety)
- tobacco
- beans (lima, frijoles, kidney, navy, pole, dwarf, bush, wax, string)
- squashes
- pumpkins
- tomatoes
- chocolate
- peanuts
- strawberries (certain types)
- pineapples
- avocadoes
- Jerusalem artichokes
- maple syrup
- chicle
- vanilla
- cashew nuts
- red pepper (cayenne, chile, tabasco, pimiento, Hungarian)
- cranberries (certain types)
- guava
- allspice
- arrowroot
- brazil nut
- butternut
- custard apple
- gourds (certain types)
- hickory
- papaya
- pecans
- persimmon (one species)
- sarsaparilla
- sassafras

to be as much as 90 percent of the total Indian population of North America. Many Indian leaders and elders died, weakening the governments of different Indian groups. Some groups, such as the Mandan and Hidatsa, greatly reduced by the small pox epidemics of 1837, came together as a group. Breaking up (if not destruction) of other groups occurred as well.

New Material Goods The introduction of new material goods affected lifestyles and political organization among Indian groups. In the 16th century, the Spanish had introduced the horse to the Southwest. By the mid-18th century, the horse had become widespread on the Plains and attracted many groups there, among them the Shoshone and the Cheyenne. With the horse, they were able to chase and kill the plentiful buffalo and had an easy source of food. With the changes in food supply, geography, and climate, came changes in in the governments of these groups and they became more similiar to one another. Since the horse was a very valuable possession, conflicts arose between groups over possession of it. There were shifts in alliances and new enmities were struck.

Fur Trade The trade in furs was cause for additional conflicts and changing settlements of Indian groups. There was

fierce competition between groups and even families for furs. Among many groups which had shared land in common, a system whereby a family would control certain trapping grounds came into existence.

Treaty-Making. As more and more Europeans moved onto Indian lands, the government established treaties with different groups in which they gave up some of their lands. Whereby, earlier, the authority of one person (or a small group of persons) to act on the part of an entire group was limited, the treaty-making situation demanded it. Often those who were the most willing to cooperate with the whites rather than the leaders who better reflected the native point of view rose to the front.

Reservations. More often than not, reservation boundaries ignored tribal divisions. The Jicarilla-Apache were made up of small bands that in settling on the reservation lost their separateness. The Iroquois, on the other hand, were divided up and placed on several small reservations. Sometimes entirely different groups, such as the Salish and the Kootenai, were assigned to a single reservation. On the reservations, federal intervention further undermined tribal self-government.

The result of all these changes was to weaken traditional patterns of Indian governments. Today, Indian governments are not the same as the non-Indian governments that have sought control over them. Nor are they the same as the traditional Indian governments of the past. Underlying Indian governments today are many traditional patterns as well as other more recently evolved patterns of government.

Introduction-- Federal Policy and the American Indian: An Historical Perspective

The next three papers were written by three historians-- Dr. Mary E. Young, W. Roger Buffalohead (Ponca), and Dr. D'Arcy McNickle (Flathead). The papers were originally written for the American Indian Policy Review Commission, a special governmental body created for the purpose of studying Indian affairs and making recommendations for the future.

Each of the papers studies a different period of policy development. In the course of U.S. history, federal policy regarding Indians has changed, reflecting certain realities of the times as well as different attitudes and philosophies.

However, regardless of policy, there have been two major historical trends since the arrival of white people.

- --As more white settlers moved to North America, land was taken out of Indian ownership.
- --White government officials, educators, and missionaries, assuming their way of life to be superior, have tried to make the Indian over into a white man.

When you read these papers, keep in mind these two trends. Look for the ways in which the government and individuals have justified what they are doing. Look at the legal and legislative means by which they have attempted to accomplish their ends. Consider the realities of the situation. For example, when Indians out-numbered white settlers, they were treated with greater respect than later when the situation was reversed.

The Formative Years -- Policy Development to 1871

by Dr. Mary E. Young

United States history is usually seen through white eyes. If you look at it through Indian eyes, it looks different. Many images appear to be reversed.

-Between the years 1607 and 1776, the whites lived in colonies under English rule.

The Indians during these years lived as independent nations.

-In 1776, the whites won their independence from England.

At this time, the Indians were losing their independence.

-After the War of Independence, white power and land holding grew larger.

Indian power and landholding grew smaller until the only land Indians controlled as peoples were the reservations (or colonies).

INDIAN TRIBES AS INDEPENDENT NATIONS

When the Europeans first came to North America, they were greatly outnumbered by the Indians. The European countries and the Indians dealt with each other as nations to nations and made treaties with each other. In the treaties, the Indian nations gave up parts of their land and kept other parts of

it. The nation-to-nation treaties set up boundaries and made rules for trading. Different European powers allied themselves with different tribes. They were eager for their military support and furs.

In 1776 after the War of Independence, the Americans tried to say that the Indians who had fought with the British and lived in British territory had been "conquered." By being "conquered" they had lost their land. However, this theory did not work because the Indians were still too powerful. They warred against the Americans, and the Americans were forced back into a treaty system much like the one used by the European governments.

However, in the new treaty system, the Indian tribes and bands were no longer treated as independent nations. The federal government took over the responsibility of providing services for the Indians and promised to protect them. The idea was to make Indians into good neighbors-- to "civilize" them. The federal government sent agents equipped with farming tools, spinning wheels, and the Bible to teach the Indians the white people's ways.

During this time, only the federal government and not the states dealt with the

tribes. This practice continued during the centuries that followed. The relationship between the federal government, the states, and the tribes became more and more difficult -- as the three groups came into increasing power conflicts.

THE GOVERNMENT'S REMOVAL POLICY

By the beginning of the 1800's, the white population had grown and was looking increasingly to Indian lands for settlement purposes. The United States government tried to talk tribes into selling their homelands in the East and moving to lands west of the Mississippi. Most tribes did not want to move, but pressures began to build. In 1830, President Andrew Jackson convinced Congress to pass the Indian Removal Act. The Removal Act provided Jackson with the power and money to force the tribes to move.

President Jackson encouraged the states of Georgia, Alabama, and Mississippi to extend their control over Indian land and law. When the state of Georgia tried to take over Cherokee land and law, the Cherokee took their grievances to the Supreme Court. In two important cases, which are legal landmarks today, the Cherokee right to self-

THE SAUKS

One of the Eastern tribes that were told to move west of the Mississippi were the Sauks. Black Hawk and his band of Sauks refused and joined with the Winnebagos, the Potawatomies, and the Kickapoos in warring against the whites. Below is a small portion of Black Hawk's autobiography, in which Black Hawk first learns that while his people were away at their hunting grounds white families have moved into his village.[9]

> During the winter, I received information that three families of whites had arrived at our village and destroyed some of our lodges, and were making fences and dividing up our corn fields for their own use-- and were quarreling among themselves about their lines in the

government was affirmed.

In the first case, Cherokee Nation v. Georgia, the Supreme Court stated that the Cherokee were not a foreign nation. In the second case, Worcester v. Georgia, Chief Justice Marshall ruled that although the tribes were not foreign nations, they still had the right to self-government within their borders -- as recognized by their treaties. Marshall called the tribes "domestic dependent nations." That is, the tribes were nations within another nation (in this case, the United States). Although they were dependent on the United States for protection, it was their right to decide tribal matters for themselves.

But the Cherokee legal victory did not help the Cherokee because President Jackson ignored it. In 1835, a removal treaty was forced on the Cherokee. Of the seventy-nine (79) signatures which the government used to make the treaty a binding document, not one had any legal standing with the tribe.

When the Cherokee finally moved, they were escorted by the U.S. Army. Their long trail west took almost 4,000 lives and came to be known as the Trail of Tears.

division! I immediately started for Rock River, a distance of ten days travel, and on my arrival found the report to be true. I went to my lodge and saw a family occupying it. I wished to talk with them, but they could not understand me. I then went to Rock Island, and (the agent being absent) told the interpeter what I wanted to say to those people, viz: "Not to settle on our lands-- nor trouble our lodges or fences-- that there was plenty of land in the country for them to settle upon-- and they must leave our village, as we were coming back to it in the spring."

I returned to my hunting ground, after an absence of one moon, and related what I had done. In short time we came up to our village, and found that the whites had not left it-- but that others had come, and that the greater part of our corn fields had been enclosed. When we landed, the whites appeared displeased because we had come back...

What right had these people to our village, and our fields, which the Great Spirit had given us to live upon? My reason teaches me that land cannot be sold. The Great Spirit gave it to his children to live upon, and cultivate, as far as is necessary for their subsistence; and as long as they occupy and cultivate it, they have the right to the soil-- but if they voluntarily leave it, then any other people have a right to settle upon it. Nothing can be sold, but such things as can be carried away.

By similar practices, Jackson and his successors forced almost all of the major eastern tribes -- the Creeks, the Choctaws, the Chickasaws -- to move west. When the tribes finally reached the west, they had to learn to live among tribes that were already living there. In the years to come, they had to face, in addition, the continuing and increasing stream of white people across and onto their land.

WESTERN EXPANSION

Expansion onto western lands was quickened by two important events. In 1848, gold was discovered in California, sending thousands of people west in search of their fortunes. Completion of the railroad connecting Omaha, Nebraska and Sacramento, California in 1869 further opened up the western lands to settlement and speculation.

With the increasing numbers of whites onto these lands, the government tried to make them safe by controlling the western tribes. Many years of desperate warfare ensued. The tribes fought courageously to keep their old lifestyles. For the Plains tribes, this meant the freedom to move across large tracts of land in hunt of the buffalo on which their life depended.

However, reduced by warfare and disease, the western tribes were eventually forced to sign treaties and move onto reservations. Limited lands and resources on the reservations made it impossible for the Indians to continue their former lifestyles.

Many of the treaties and laws concerning reservation life showed little respect for the rights of Indian people to govern themselves and to live as they chose. For example, the Yankton Sioux treaty of 1858 stated that the President could stop making payments for land surrendered to any Indians who weren't trying "to advance and improve their condition." "Advancing and improving their condition" meant giving up their Indian ways and becoming like white people.

THE END OF TREATY-MAKING

In 1871 in an appropriations bill, the House of Representatives got the Senate to agree to do away with the treaty-making system. Supporters in the House took the position that the treaty-making powers of the Senate and the Presi-

RESERVATIONS

Reservations are lands that have been reserved by and for Indian tribes. Most reservations were set up by treaties signed by the tribes, although some were created through Presidential orders. In the treaties and agreements besides reserving land, tribes also reserved certain rights such as hunting, fishing, and ricing. That is, they reserved the right to hunt, fish, and rice where they had always done, even when the places fell outside of reservation boundaries.

At the time-- considering how much Indians had to give up-- reservations and treaty rights were not such a good thing for Indians. However, they did offer tribes protection from further white encroachment. In many of the treaties, clauses exist that bind the federal government to protect the tribes from white invasion of Indian lands.

Today, reservations are very important to Indian people. Reservations and treaty rights provide the land base and economic means for tribal survival. When in recent years conflicts of interest have come up over Indian

dent could not bind the House to appropriate money to carry through the treaties. (In the division of powers between the Senate and the House, it is the Senate that ratifies treaties and the House that appropriates money). However, debate over the bill quickly broadened into a general discussion of Indian treaties.

In the Senate, William Stewart of Nevada stated that, "I regard all these Indian treaties as a sham. The idea of thirty or forty thousand men owning in common what will furnish homes for five or ten millions of American citizens will not be tolerated."

Opponents argued that abolishing the treaty system would be "the first step in a great scheme of spoilation in which the Indians will be plundered of their land."

In the end, Congress voted to uphold previously signed treaties and treaties waiting ratification, but "hereafter, no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty."

lands and rights, federal courts have usually favored Indians. Treaties are legally binding documents under the Constitution.

The Strategy of Assimilation: Policy Development 1871 - 1920

by W. Roger Buffalohead (Ponca)

The end of treaty-making in 1871 marked an important change in U. S. government-tribal relations. Instead of negotiating with the tribes, Congress now sought to legislate to them -- in many cases not even listening to Indian points of view before passing laws that would greatly affect Indian lives.

THE B.I.A.

In order to coerce the Indians into complying with its policies, Congress increasingly relied on the Bureau of Indian Affairs (BIA). From its beginning in 1824, the BIA had won for itself a reputation of corruption, inefficiency, and undue power.

Although top pay for BIA agents on reservations was only $1,500 per year in the 1870's, there was never any shortage of applicants. Perhaps, part of the attraction lay in the commonly held belief that great vistas of opportunities (legal or otherwise) existed for agents in the Indian service. For example, one agent stocked his friends' ranches with cattle that were to have been for tribal use. Another agent set up a mining venture with BIA funds.

ASSIMILATION

The title of this paper is "The Strategy of Assimilation." Assimilation is a word that has come up again and again in U.S. government policy regarding Indians. Assimilation is the cultural absorption of one people (in this case Indians) into another. For a long time, the policy of assimilation, of making Indians into white Americans, went unchallenged among government officials. Only in the last decades has the government begun to listen to Indians and shown respect for their right to live as they choose and to practice their own traditions.

A lot of honest mismanagement occurred as well. Indian farms were set up in areas where droughts and grasshopper invasions occurred almost every year. Sawmills were set up on reservations where the only timber was cottonwood and willows.

Such mistakes and outright theft caused some concern in Congress. However, very little was done about it. Typical of the attitude of the white settlers who had moved west was, "Indians are as worthless as so many tamed wolves."

THE REFORM MOVEMENT AFTER THE CIVIL WAR

After the Civil War, the American public was in no mood to involve itself in issues that would further divide it. However, after the war, certain events brought the so-called "Indian problem" before the country in ways that it could not be ignored. For years now, the country had been witness to the continual suffering of tribes as they were shuttled from one place to another. In 1864, 143 Cheyenne were killed in a senseless massacre in Colorado.

When in 1876, General Custer was defeated at Little Bighorn, the mood of the country was mixed. There were the expected calls

for revenge, but they were not unanimous. Slowly, the American conscience was awakening. In 1886, Helen Hunt Jackson, a Bostonian, published A Century of Dishonor, about the wrongs that had been inflicted on the Indians. This book was followed by her novel, Ramona, based on the story of the California Indians during the gold rush.

Helen Hunt Jackson publicized the Indian cause as it had never been publicized before. Although criticized for being too pro-Indian, she brought many Americans into the movement to reform Indian affairs through the power of her writing.

However, the reforms of this period were not as farsighted as might have been hoped. The reformers believed that as long as Indians remained Indians, the injustices of the past and present would continue. Like others before them, they saw changing the Indian into Christian farmers and homemakers as the solution to the "Indian problem." They felt that the end of Indian ways of life was in the best interests of the Indians and in the best interest of the Nation.

HELEN HUNT JACKSON AND A CENTURY OF DISHONOR

Helen Hunt Jackson publicized the unjustices done to Indians in her book, A Century of Dishonor. In this excerpt from the book, she calls on the American people to help right the situation.[7]

> There is but one hope of righting this wrong. It lies in appeal to the heart and the conscience of the American people. What the people demand, Congress will do. It has been-- to our shame be it spoken-- at the demand of part of the people that all these wrongs have been committed, these treaties broken, these robberies done, by the Government.

EDUCATION AS A TOOL OF POLICY

One of the ways in which Indian policy sought to change the Indian was through education. In fact, in the 1870's, education became the key feature in making Indians into white Americans.

In 1879, Richard H. Pratt, Captain in the U. S. Army, founded the Carlisle Indian School. Pratt believed that it was impossible to de-tribalize older Indians. But the young, if separated from the influence of their parents and tribes, would lose their culture. If they gave up their native language and spoke only English and learned useful trades and skills, they would become just like other Americans. Pratt's motto was "Kill the Indian; save the man."

Other boarding schools soon followed. In addition, the federal government took over existing tribal schools of the Cherokees, the Choctaws, and other tribes. Federal schools were very hard on Indian students. Effects ranged from frustration to psychological destruction. Inner turmoil and confusion were seen as indications that the youngsters in these schools were making progress in casting off their "savage" backgrounds.

Indian parents who tried to keep their children from the destructiveness of the schools were punished. Even so, many parents hid their children when school officials came around. In time, Indians began to view education as a threat to their lives.

LAND ALLOTMENT AS A TOOL OF POLICY

Another measure in "civilizing" the Indians was to change Indian ways of owning the land. Traditionally, members of Indian tribes held their lands in common. That is, the whole group, and not individuals, held lands. Europeans and Americans with their system of private property, individually-owned, did not understand or accept this system.

From the earliest day of settlement, whites had suggested splitting up tribal lands and allotting sections of land to individual Indians. The idea had even been included in some treaties. By the 1880's, western and eastern reformers agreed that too much land had been set aside for Indian use. Indians were not making proper use of the lands they owned and were keeping decent, hardworking folks from making a living.

Eastern reformers convinced themselves that Indian salvation lay in private property and its "civilizing" affects. They argued that privately owned land was less vulnerable to selfish interests than the commonly held Indian lands. However, eager for profit, developers and speculators saw in allotment possibilities for freeing up more Indian lands.

In 1887, the Dawes Act, or the General Allotment Act, was passed. The Dawes Act authorized the President to divide up tribal lands among individuals at no more than 160 acres per head of the family. Surplus land would be sold to the United States.

Although many reformers, if not the land developers and speculators, had put forth the Act on behalf of the Indians, certain opponents had seen what would be its real effect. Senator Teller of Colorado had said allotment of Indian lands was a way "to spoil the Indians of their lands and make them vagabonds on the face of the earth."

It soon became obvious that the Act was indeed a disaster for the Indians. Much of their best land was leased or sold to the whites -- sometimes in transactions that were decidedly shady. When the Cherokee, along

THE DAWES ALLOTMENT ACT OF 1887

What the Dawes Act did:

-divided up tribal lands, weakening values of communal ownership and creating factionalism.

-gave 160 acres of land to family heads, 80 acres to single persons over 18, and 40 acres to single persons under 18.

-entrusted title to the land to the federal government for 25 years or more.

-conferred citizenship on Indians who accepted allotments.

-provided for the sale of surplus land (land left over after allotments were made).

-set the stage for tremendous loss of tribal land.

OPPOSITION TO THE ALLOTMENT ACT

In 1881 Senator Teller of Colorado spoke in the Senate against an earlier version of the Allotment Act.[10]

You propose to divide all this land and to give each Indian his

with other tribes tried to keep lands in common, Congress passed the Curtis Act. The Curtis Act attacked the tribal governments and eventually the tribes were forced into allotment.

Before the Dawes Act, Indian tribes collectively owned 140 million acres of land. Between 1887 and 1934, when the allotment policy was abandoned, about 90 million acres of land passed out of Indian hands.

FEDERAL INTERVENTION AND INDIAN RESISTANCE

By the late 19th century, the federal government had become very involved in the internal affairs on reservations. When in the Crow Dog Case the Supreme Court upheld the right to tribal self-rule, Congress passed the Major Crimes Act. In its ruling, the Supreme Court had stated that the federal government could not punish Crow Dog for killing Spotted Elk because the crime concerned two Indians on a reservation. Incensed, Congress passed the Major Crimes Act, extending federal control to reservations for seven (and later thirteen) serious crimes.

In time, federal intervention on the reservations touched almost every aspect

> quarter section, or whatever he may have, and for twenty-five years he is not to sell it, mortgage it, or dispense of it in any shape, and at the end of that time he may sell it. It is safe to predict that when that shall have been done, in thirty years there after, there will not be an Indian on the continent, or there will be very few at the least, that will have any land...
>
> It is in the interest of speculators; it is in the interest of the men who are clutching up this land, but not in the interest of Indians at all; and there is the baneful feature of it that when you have allotted the Indians land on which they cannot make a living the Secretary of the Interior may then proceed to purchase their land, and Congress will, as a matter of course, ratify the purchase, and the Indians will become the owners in a few years in fee and away goes their land.

of Indian life. It forced Indians to abide by non-Indian marriage customs. It set specific tribal visiting practices, prescribed the age of those who could practice tribal dances, and prohibited certain dances altogether.

THE GHOST DANCE RELIGION

Prevented from having control over their own lives, many Indians became excited when they heard about a new religion promising hope for the future. Wovoka, a Paiute messiah, prophesied that a great disaster would destroy all the whites. Then, the buffalo would return to the land. Indians who had practiced the new religion would be free to return to their old ways.

The Ghost Dance Religion spread quickly among the Plains tribes, especially among more traditional members. This new religion alarmed the government and neighboring white communities. But if officials had taken more time to find out about the new religion, one of the most tragic events in Indian-white relations could have been avoided.

However, in 1890 B.I.A. agents on the Pine

GOVERNMENT REGULATIONS ON INDIAN DANCING

In 1923, federal Indian Commissioner Charles Burke instructed his field officers to require that[11]

1. Indian dances be limited to one each month in the daylight hours. (During planting and harvesting, no dances were to be held at all.)
2. No persons under the age of 50 were to be allowed to take part in the dances, not even as spectators.
3. Field officers should carry out educational compaigns against the dances.

A SEQUENCE OF SONGS OF THE GHOST DANCE RELIGION

These seven songs were part of the Ghost Dance religion.[12] Notice how the attitude towards the whites changes from the beginning to the end. In the fourth song, the Crow is a spiritual messenger.

Ridge Sioux Reservation, fearful of the new religion, requested military support. This set in motion a series of events which led to the massacre at Wounded Knee. On December 29, 1890, an estimated 300 men, women, and children were killed at Wounded Knee. Dr. Charles Eastman, Santee Sioux, was kept by officials from attending to the bodies. When he was finally able to go, the sight of 300 frozen bodies greeted him. While he gave medical aid to the few survivors, troops dug a huge trench and buried the dead in a mass grave.

THE TURN OF THE CENTURY

By the close of the 19th century, Indian economic and psychological resources were badly eroded. On many reservations, Indian leadership was a thing of the past. Older leaders were either dead, in jail, or in retreat from tribal affairs. Reservation economies had become dependent on land rentals, seasonal labor, and hand-outs from the government and other charities. Many cultural practices had been disrupted--although away from the watchful eyes of agents and missionaries many traditions were being quietly passed on to future generations.

1.
My children,
When at first I liked the whites,
I gave them fruits,
I gave them fruits.

2.
Father have pity on me,
I am crying for thirst,
All is gone,
I have nothing to eat.

3.
The father will descend,
The earth will tremble,
Everybody will arise,
Stretch out your hands.

4.
The Crow-- Ehe'eye!--
I saw him when he flew down,
To the earth.
He has renewed our life,
He has taken pity on us.

5.
I circle around
The boundaries of the earth,
Wearing the long wing feathers,
As I fly.

6.
I'yehé! my children--
My children,
We have rendered them desolate.
The whites are crazy--Ahe'yuhe'yu',

7.
We shall live again,
We shall live again.

The nation at large had turned their attention from the "Indian problem" to the problems of urban and industrial life besetting the country. Now, the only time most Americans thought about Indians at all was when they appeared in Wild West shows or became an Olympic champion like Jim Thorpe. Most saw Indians as a vanishing people who wore feathers and beads and who gallantly, but foolishly, resisted the march of progress. Many years would pass before anyone, except Indians themselves, would think that they would be better off as members of a tribal society than as typical white Americans.

The Right to Choose -- A Policy For the Future: 1920-1977

by Dr. D'Arcy McNickle (Flathead)

In the 19th and early 20th century, the Nation had based its Indian policy on false assumptions. The Nation had assumed that the decline in Native cultures and population was inevitable. Disease, abusive use of alcohol, and the Indian way of life as an inferior one were cited as reasons behind this eventuality. A kind of deathbed watch resulted.

The 100 years prior to 1920 had indeed caused terrible harm to the Indians:

-Population had declined by almost three-fourth of what it had been when Columbus arrived in North America.
-Tribes had been moved around like livestock.
-Children had been removed from their parents, sometimes by force, and sent to boarding schools where they were taught to forget their own ways.
-Tribal religious practices were treated as obscenities.
-Land losses were catastrophic.
-The government had failed to provide proper tools and training for Indian adjustment to new economic ways of life.

-The federal government had penetrated the entire fabric of Indian life. It had taken over tribal government and interfered in the family -- and yet was totally unaware of its inadequacies and inhumanity.

STIRRINGS OF CONSCIENCE

The failures of the federal government had become so obvious by the 1920's that once again there was an outcry from the American public. In 1926, a study of the conditions of Indian life, which came to be known as the Meriam Report was begun. The findings included that only 2 percent of Indians has incomes over $500 a year. The health of the Indians was bad and the system of public health a disaster. Indian children were being fed at reservation schools for less than 11¢ per day.[13]

In conclusion, the Meriam Report recommended that improvements be made in the services to Indian people. However, the underlying assumption that Indians would merge into the general population remained. Improved services were recommended as necessary in bringing this about.

TRIBAL REORGANIZATION

In 1934, Congress passed the Indian

Reorganization Act. This law was the first major legislation in Indian affairs since the Dawes Allotment Act of almost 50 years earlier. The Dawes Allotment Act had worked against the tribal value of communal ownership of land by dividing it up. The Indian Reorganization Act put an end to the policy of allotment and restored some measure of self-government on reservations.

However, there were several key features that were left out of the final Act. One was that the tribe rather than the BIA would perform services for its members. Another was that a United States Court of Indian Affairs be established and that Indian studies programs be set up. These articles were central to the reform. Leaving them out postponed the day when Indian would assume greater control of their own affairs.

THE REVERSING TIDE

By the 1930's, it had become apparent that Native Americans would not vanish. Indeed, the surprising fact was that the Indian population had increased some 70 percent between 1900 and 1950.

But survival was not in numbers alone. What came to be realized, if reluctantly, was that Indian customs and traditions,

INDIAN REORGANIZATION ACT

The Indian Reorganization Act of 1934, also known as the Wheeler-Howard Act, promised a better direction in Indian Affairs although it did not carry the reforms far enough.

The IRA did the following:

--ended allotment of Indian lands and provided for getting previously held lands back into tribal ownership.

--gave the tribes an opportunity to organize their own governments and to formulate constitutions (subject to the approval of the Secretary of the Interior).

--enabled tribes to set up business corporations and established a credit fund to aid tribes in economic endeavors.

--gave Indians preference for jobs in the Bureau of Indian Affairs.

But did not:

--respect tribal traditions, imposing white models of government on the tribes.

--delegate authority from the BIA to the tribes so that the tribes could perform their own services.

Indian languages, Indian belief systems, Indian ways of rearing children, the Indian style of living in extended families, and Indian sharing all still persisted.

After World War II, Indians in increasing numbers found jobs in the cities. Still relatively few of them lived there permanently. A pattern of commuting between the reservation and the city began to emerge.

Inter-tribal organizations came into existence. Indians found themselves talking about things that they had in common--shared experiences and shared problems. This was a new development. With only a few exceptions the tribes had no traditions of forming long-term alliances.

Tribal ceremonies, both religious and social, attracted growing numbers. Ceremonies that had not been performed for many years were revived. Individuals and families began travelling to distant reservations to attend the ceremonies. As the practice became more pronounced, it came

INDIAN WAYS OF LIFE

Ella Deloria, Teton Dakota, describes traditional ways of life among the Dakota in her book Speaking of Indians (1944). Below she describes the Dakota sense of extended family and sharing, which remain important values among Indians of many tribes today.[14]

> Kinship was the all-important matter....By kinship all Dakota people were held together in a great relationship....Everyone who was born a Dakota belonged to it.... Camp-circles were no haphazard assemblages....The most solitary member was sure to have at least one blood relative....through whose marriage connection he was automatically the relative of a host of people....
>
> The ultimate aim of Dakota life ....was that one must be a good relative....Every other consideration was secondary--property, personal ambition, glory, good times, life itself. To be civilized was to keep the rules....Thus only was it possible to live communally...with a minimum of frictions and a maximum of good will....
>
> The best teaching said things were less important than people; that pride lay in honoring relatives rather than in amassing goods

to be known as the "powwow circuit."

Even Social Scientists Agree That Assimilation Has Not Worked. In 1954, a conference of social scientists was held at the University of Chicago. The purpose of the conference was to examine those "assumption, of fact or value,...which appear to guide the present handling of Indian affairs."

The attendees found themselves in complete agreement that the assumption that the general trend among Indians was toward assimilation was wrong. They stated:

> Most Indian groups in the United States after more than 100 years of Euro-American contact and in spite of strong external pressures have not yet become assimilated in the sense of loss of community identity and the full acceptance of American habits of thought and conduct. The urge to retain tribal identity is strong, and operates powerfully for many Indian groups.[15]

The social scientists predicted that the desire to retain tribal identity would continue in the future. They warned against any further attempts at assimilation.

IGNORING THE EVIDENCE

Despite the growing evidence that assimilation hadn't worked, federal policy contnued to be based on it. As the next and final

> for oneself; that a man who failed to participate in the giving customs was....something less than a human being. If someone made you a gift....he did not mean for it to grow old along with you. He expected you to use it when and as you chose to honor someone else....
>
> ....Gifts of unequal value were happily exchanged....A horse for a beautiful pair of moccasins or a blanket....the recipient of the lesser gift might be so startled and delighted by the compliment thus unexpectedly paid him that he unhesitatingly gave a horse to indicate his pleasure.

step in fully assimilating the Indian, the federal government now sought to end its special relationship with the Indians. No longer would it treat the tribes as separate political powers, but would have the states govern them like any other group of people within their borders. It would cut off services to the tribes and divide up and distribute remaining tribal lands.

This policy came to be known as "termination" and dominated the scene from the early 1950's until well into the 60's. What termination policy failed to do was to examine the reports of commissions and government experts which had clearly stated that assimilation was not working. Termination policy blamed all of the ills of the Indians on the fact that previous assimilation programs had not been carried out well enough. They seemed unable to see that the failure was really the result of erroneous assumptions.

INDIANS BECOME INVOLVED

The drive of the federal government to terminate their relationship with the Indians alerted Indian leaders that their property and civil rights were in danger. The growing alarm culminated in the demonstrations of the

MENOMINEE: A CASE STUDY IN TERMINATION

Vine Deloria, Standing Rock Sioux, is a prominent Indian spokesman. In his book, Custer Died For Your Sins: An Indian Manifesto, he recounts the effect of termination on the Menominee. An edited account follows:[16]

> The tragedy of the Menominee tribe of Wisconsin illustrates the extent of termination's failure. The tribe was one of the few paying for almost all of its own services. The sum of $520,714 was budgeted by the tribe the year before termination. The total federal cost for the Menominees was $144,000. There was consequently not much to be saved by terminating them.
>
> However, the Menominee had recently won a $8.5 million judgement against the United States. (In violation of a 1908 law, government foresters had been clear-cutting Menominee forests. According to the law Menominee forests were to have been managed on a basis on which they were sustained. The income that would have come to the Menominee over the years had been deprived them. In 1951, they had finally won judgement over the United States.)
>
> The Senate's Joint Subcommittee was outraged. They were determined to silence the Menominees once and for all. When a bill passed the

House Interior Committe, which authorized the distribution of the judgement money, a bill was attached, requiring that the tribe submit to termination in able to receive the money. The Menominee objected to the provision and the Bill was held.

The State of Wisconsin objected to termination of the Menominee as well. It was worried about the eventual effect of the plan on the community and the state. Mr. Harder, an official representing the Wisconsin Tax Commission, expressed the attitude of the state most concisely:

> I am concerned about that; because if they have to go to heavy taxation of their timberlands, that means they will have to cut on some other basis than their present sustained-yield method. And as soon as that happens, the forests will eventually deplete, and we may have a substantial welfare problem. That is a problem the State of Wisconsin now has with the Indians in the Bad River Reservation, where the lands were allotted, and the Indians sold their lands, and now they are on relief, in prosperous times as well as poor times. It is a continuing problem. And the State doesn't want anything like that to happen in this instance.

The tribe was eventually terminated. There are varying reports on the

exact sequence of events. In 1960, Senator Frank Church inquired of Mr. Lee of the Bureau of Indian Affairs just how the Menominee termination had come about.

> Senator Church: The question of termination was never taken to the Indians and put to a vote?
>
> Mr. Lee: As near as I know, there was never a general vote on termination in the tribe. Am I correct in saying that?
>
> Mr. Wilkinson: I can add one clarifying point to that. The chairman of the Indian Subcommittee of the Senate went to the Reservation and met with the General Council...
>
> There were approximately 150 people present. They voted that day to accept termination. There is one item which I think bears on it, which I think influenced the tribe to vote that way.
>
> They were told that they could not have a per capita payment unless they accepted termination. Based on that, I felt they accepted it.

With termination came the closing of the Menominee hospital. The tribe was unable with the additional burden of taxation (from the state) to keep up its health program. Deprived of medical services and with poor housing, the infant death rate continued to rise. By July 1964, 14 per cent of the county, which was formerly the reservation, was receiving welfare payments. The State Department

of Public Welfare estimated that Menominee County needed a transfusion of ten to twenty million dollars to bring it up to par with other Wisconsin counties.

How much did the Menominee termination save the federal government? By 1960, the costs simply to plan for termination had become tremendous--an estimated $5 million in federal aid and another $1 million in state aid.

early 60's and the occupation of the BIA headquarters in Washington, DC. In 1973 on the Pine Ridge Sioux Reservation, Indians took over the village of Wounded Knee in protest of conditions on the reservation.

These protests were unlike any demonstration in the history of Indian affairs. They were more than quick outbursts of anger. They marked the beginning of Indian involvement in the process of policy making. A new tribal leadership was emerging to challenge the assumption of assimilation.

The federal agencies established during the War on Poverty in the 1960's encouraged this growing leadership. The new agencies were independent of the BIA and had no commitment to the policy of assimilation. They served in advisory capacities and turned to the Indians for decision-making.

ICAP. An outstanding program that came into existence was the Indian Community Action Program (ICAP). ICAP (under the Office of Economic Opportunity) invited tribal leaders to propose plans for local programs. Once a plan was approved, a contract was drawn up, giving the tribal organization the money to carry it through. Thus, projects were decided and run by Indians themselves -- something that the

CLAIMS AGAINST THE GOVERNMENT

The Indian Claims Commission was established in 1946 to hear tribes' claims against the United States. The Commission was set up for a limited time but has been extended several times and still operates today. It hears claims based on lands taken without payment and on unhonorable dealings that the federal government has had with the tribes (See box on Menominee p. 40, paragraph 2 for claim money received by the tribe for federal clear-cutting of Menominee forests). The Claims Commission has awarded considerable amounts of money to different Indian groups although it has never returned the land on which many of the claims are based.

In the political activism of the 60's and 70's, several tribes did not go through the Claims Commission but took their grievances of land loss directly to Congress. Among the larger returns were: 48,000 acres of national forest land to the Taos Pueblo Indians in New Mexico (1970), 21,000 acres to the Yakima tribes in Washington State (1972), and 61,360 acres to the Confederated Tribes of the Warm Springs Reservation (1972).

CLAIMS AGAINST THE GOVERNMENT: A LEGAL APPROACH

Felix S. Cohen was a prominent legalist and philosopher who for many years studied Indian relations to the federal government. His Handbook of Federal Indian Law, published in 1941, is considered by many people to be the authoritative work in the field. In the following selection from his essay "Indians Are Citizens!," published in The American Indian 1944, he gives a legal point of view on federal payments to Indian tribes.

> By and large, it must be remembered, whatever we have given to the Indians and whatever we give them today is not a matter of charity, but is a part of a series of real estate transactions through which about 90 per cent of the land of the United States was purchased from the Indians by the Federal Government. Failure to appreciate this fact leads to all sorts of ludicrous and unjust results. For example, the fact that Indians generally stipulated that payment for land cessions should be made in the form of goods and services came to be pushed rapidly into the background of public opinion, with the result that well-meaning blunderers rose to denounce the rendering of such services and goods as degrading and encouraging idleness, and persuaded Congress to pass a law prohibiting the distribution of rations to able-bodied Indians unless they performed services in exchange. Imagine the howl of anguish that would have gone up if Congress had determined that the payment of government bonds to their holders encouraged idleness and should not be effectuated with respect to able-bodied bondholders except upon performance of equivalent services. This is a typical example of the double standard which is engendered by a sense of race superiority and an ignorance of history.

BIA had been unwilling to let happen.

Rough Rock Community School. Another example of the new direction in Indian affairs was the way in which the Rough Rock community on the Navajo Reservation took responsibility for the education of its children. A new school had just been completed by the BIA when the Office of Economic Opportunity supported a move that the Navajo community assume control of its own school.

At the Rough Rock School, Navajo was taught as the primary language and English as the second. Classes for adults as well as for children were offered. The school provided an education that was relevant and supportive of the Navajo way of life.

The shift of control over the school was very important. But maybe even more important was the shift in educational goals and methods which grew out of it. For the first time in recent history, an Indian community, and not professional people from the outside, became responsible for the success or failure of its school system.

Rough Rock had an explosive effect. Tribal delegations from all over came to visit and take the new ideas to their communi-

NATURAL RESOURCES: AN OVERVIEW

Indian lands (some 55.4 million acres) contain many natural resources--timber, gas, uranium, water, coal, and other minerals. However, contrary to popular opinion, few Indians have reaped much financial benefit from the resources. For the most part, the resources have been poorly managed by the BIA. Returns to the tribes from the BIA, especially on coal and timber, have been questioned.

Pressures on Indian groups to develop their resources are immense. The decision for many tribes is particularly difficult. Often the money that resource development would bring is sorely needed. However, development of resources is often destructive of limited tribal lands and traditional ways of life. Tribes have tried to strike a balance between the two; however, a balance is not always possible.

On the Crow Reservation in Montana are large deposits of coal. Crow Tribal President Allen Rowland expressed himself

ties. Within a few years, tribes in several states and Canada were running their own schools. In addition, Indian community colleges were founded and staffed with Indian teachers and administrators.

Indian Studies Programs. In the 1960's, another development that marked the changing times was that more and more Indians were enrolling in colleges and universities. Many of them were going onto graduate and professional schools. Major universities and many state schools installed special programs, such as Indian Studies, and expanded traditional programs to better meet Indian needs.

As the curriculum changes reflected, this was a different kind of student body. The Indian students went to college, not primarily as a path to material success in the white world but as a means to gain knowledge and skills to help their people. They talked about "education for Indian purposes " and were concerned that "self-determination" should have substance and meaning.

SELF-DETERMINATION

The term self-determination received wide public attention when President Johnson used on the subject: "The coal can just stay where it is until they find a way to get it out without wrecking everything else. They're saying we're against progress...We need progress; you can see for yourself. But we're against the kind of progress that comes in and takes everything you have and leaves you with big holes in the ground."

A young Crow, Marshall Lefthand, summed it up, "Whites don't understand that a tribe is a people who live together in a special way. You don't do that in a coal pit."[17]

NATURAL RESOURCES: SALMON AND WASHINGTON STATE

Earlier in the book, it was mentioned that in the treaties, in addition to retaining land (and the natural resources on it), tribes retained other rights, such as hunting and fishing. In Washington State, tribes retained a right to fish in the places where they had always fished, even when those places fell outside of reservation boundaries.

it in his 1968 message to Congress. He declared:

> We must affirm the right of the first Americans to remain Indians while exercising their rights as Americans. We must affirm their rights to freedom of choice and self-determination.[18]

In 1970, President Nixon denounced the termination policy of the Eisenhower Administration (making no mention of his part in that administration) and said:

> This then must be the goal of any new national policy toward the Indian people to strengthen the Indian's sense of autonomy without threatening his sense of community. There is no reason why Indian communities should be deprived of the privilege of self-determination merely because they received monetary support from the federal government. Nor should they lose federal money because they reject federal control.[19]

These declarations at the highest levels of government acknowledged for the first time what the Indians had always wanted: the right to decide as individuals or tribes how to adapt to the modes of the general society without destroying the values they cherish. When this right of decision prevails some individuals may opt for making themselves over to conform with another lifestyle; some tribes may abandon tradi-

In most treaties with tribes in Washington State, it is said that Indians have the right to fish off reservation in their usual and accustomed fishing grounds "in common with other citizens of the territory." In a recent court decision (U.S. v. Washington 1974) "in common" as it was used in the 19th century was interpreted to mean an opportunity to catch 50 percent of the harvestable fish.

tional patterns in favor of new goals and new ideals. It is the climate of free choice that is important. Coercive change will only repeat the failures of the past.

INDIAN READINESS

What could be the decisive factor in determining future Indian policy is the state of readiness of the Indian population. Many negative conditions still persist:

- -Educational levels are too low.
- -The delivery of health service is grossly inadequate.
- -Wretched housing breeds health problems and social ills.
- -Unemployment rates greatly exceed local and national averages.
- -Water rights and resource development remain clouded issues.

In spite of these crippling handicaps, remarkable advances have been made:

- -Indians have entered academic and professional training in unprecedented numbers.
- -Indian lawyers are now in practice, many specializing in the intricacies of Indian case law.
- -The number of trained physicians and nurses has increased to the point where professional associations have been formed.

FEDERAL-STATE-TRIBAL GOVERNMENTS: AN OVERVIEW

From the beginning of Indian-white relations, it has been largely the federal government and not the state governments that have dealt with Indian tribes. It was the federal government that made the treaties and agreements that established the reservations. The federal government has been responsible for providing many social services to the tribes.

The relationship between state and tribal governments has often been hostile. Although reservations exist within state boundaries, states have limited control over them. Conflicts have arisen over taxation, control of resources, and criminal jurisdiction.

FEDERAL-STATE-TRIBAL GOVERNMENTS: A LEGAL APPROACH

At the symposium mentioned in the introduction to this book, Mr.

Russel Barsh presented a paper titled "Tribal Sovereignty and the Public Interest." Mr. Barsh is a lawyer who teaches at the University of Washington Graduate School of Business Administration. In his paper, Mr. Barsh argues for the value and legitimacy of tribal governments from a legal and historical point of view.

He begins by outlining the revolutionary principles upon which the United States was founded. Briefly stated: all legitimate political power must arise from the consent of the people; all power not explicitly given remains in their possession. The American system recognizes that many "sovereigns" (federal, state, tribal, city governments) can usefully co-exist if their respective powers and responsibilities are clearly fixed. This division of power is in the public's best interest as it protects against single, tyrannizing governmental bodies and promotes diversity.

Mr. Barsh goes on to discuss how the relationship of tribal governments to the federal government is not unlike that of state governments to the federal government. Whereas states gave up certain limited powers to the federal government in the

Constitution; Indian tribes gave up certain limited powers in their contracts (treaties) with the federal government. Exactly what these powers are has given rise to debate; however, as Mr. Barsh states, "the tribes, probably even more than the states, value their reserved powers and view them as essential to maintaining their freedom."

In recent years, various legislation has been introduced in Congress that would abolish tribal governments. Certainly, Mr. Barsh points out, tribes would "find it unthinkable that anyone would suggest that they had by treaty, voluntarily given away a power so awesome as the power to dissolve them against their will." Mr. Barsh goes on to argue that abolishing tribal governments-- from a legal point of view-- would not be very different from abolishing a state government. If Congress can abolish a tribal government, what is to legally prevent it from turning around and abolishing a state government?

Another issue of concern, which Mr. Barsh points to, is the tendency over the years for the federal government to gain power at the expense of tribal, state, and other local governments. The current animo-

-Administrative positions in a number of school systems are staffed by Indians.

-Indian artists, writers, poets, musicians, scientists, and engineers have established national reputations.

-Indian tribes are writing their histories and organizing libraries and archives.

-Special study courses of native languages have been initiated. Several tribes are compiling their own dictionaries.

-Culture centers are operating at many reservations, encouraging traditional arts, music, dances, myth and legend, costume-making, and cooking.

THE FUTURE

What is most remarkable about these advances is that they intensify and make explicit Indian identity. Native America, before the coming of the Europeans, was a land of many separate peoples, with their separate languages, histories, and traditions. Each tribe and group was a self-contained entity. Such a population of separate and closed systems was easy prey for divide-and-conquer tactics.

What is now happening, after 400 years of Indian-white contact, is a coming together of Native Americans into something approaching a national identity. Indians have become aware of their common problems and common peril. They are learning how power is used

sity between state and tribal governments is only hastening to bring this about. Mr. Barsh urges that state and tribal governments should try to work with each other rather than to diminish each other's power and authority. It is in their mutual interest and in accord with the principles upon which this country was founded.

in contemporary society. Tribal distinctions are not likely to disappear, but increasingly Indians can be expected to act in common cause.

National Indian policy of the future must take into account that Indians will survive as individuals and as groups. They will grow in numbers and they will insist on freedom of choice.

FOOTNOTES

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17. Mark Kellogg, "Indian Rights: Fighting With White Man's Weapons," Saturday Review, November 28, 1978, pp. 24, 26.

18. Lyndon B. Johnson, President's Message to the Congress on Goals and Programs for the American Indian, March 6, 1968, Weekly Compilation of President's Documents 4, p.448.

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GLOSSARY

The words in this glossary are defined specifically for their usage in the text. The page number where the word first appears is listed in parenthesis after it.

ABSORPTION (p. 25) the act of taking in completely and wholly.

ACTIVISM (p. 41) direct political action taken by individuals or groups outside established governmental bodies.

ALLOTMENT (p. 30) the dividing up of land into individual-sized portions.

ANIMOSITY (p. 45-a) hostility, enmity.

ANTHROPOLOGY (p. 2) the study of human beings and their physical, social, and cultural life.

APPROPRIATIONS BILL (p. 23) a piece of legislation which authorizes the spending of money for specified purposes.

ARCHEOLOGY (p. 7) the recovery and study of material objects from past ages.

ASSIMILATION (p. 25) the cultural absorption of one group of people into another. (See p. 25 for a more detailed discussion.)

ASSUMPTION (p. 35) A statement supposed true without proof or demonstration.

AUTHORITARIAN (p. 11) said of a society which is based on the principle of obedience to select authorities. (For opposing term, see EGALITARIAN.)

AUTONOMY (p. 44) independence; the condition of being separate.

BUREAU OF INDIAN AFFAIRS (p. 25) the federal agency which carries out Congressional policies regarding Indian affairs. When it was first created, the Bureau of Indian Affairs was in the Department of War; it was transferred later to the Department of the Interior. (See p. 25 for a more detailed discussion.)

CATACLYSMIC (p. 12) violent, often destructive change.

CATASTROPHIC (P. 35) violent, often disastrous change.

COERCIVE (p. 45) forced; compelled; effected by pressure.

COLONY (p. 18) a region politically controlled by a distant power. Before becoming an indepedent nation, the United States consisted of 13 colonies controlled by England.

COMMON CAUSE (p. 47) mutually held goals and purposes.

COMMUNAL (p. 30) belonging to a group of people. (For opposing term, see private property.)

CONSENSUS (p. 18) general agreement or accord. (See p. 10 for a more detailed discussion.)

CULTURE (p. 2) the manner in which a group of people lives, including their beliefs, arts, institutions, technology, and social patterns.

DE-TRIBALIZE (p. 28) to separate a person from his tribal identity and cultural practices.

DIVIDE AND CONQUER (p. 46) to win over by separating into factions.

EGALITARIAN (p. 11) said of a society which is based on the principles of individual freedom and equal rights. (For opposing term, see AUTHORITARIAN).

ENCROACHMENT (p. 23) intrusion; advancement beyond prescribed boundaries.

ENVIRONMENT (p. 9) the total physical conditions (and sometimes social conditions as well) in which a group of people live: climate, geography, vegetative and animal life.

ETHNOHISTORIAN (p. 7) a person who studies the hisotry of a culture.

EXTENDED FAMILY (p. 38) the larger family unit, consisting of children, parents, aunts and uncles, and grandparents.

FACTIONALISM (p. 30) the existence of conflicting groups within a larger group, tribe, or nation.

IDENTITY (p. 2) the manner in which a person or group of people see themselves. For example, Navajo Indians see themselves as members of the Navajo tribe. Their identity lies in being Navajo.

IMMUNITY (p. 12) having defenses against specified diseases.

INDIAN COMMISSIONER (p. 32) the head of the Bureau of Indian Affairs, responsible for supervising it.

INEVITABLE (p. 35) incapable of being prevented.

JURISDICTION (p. 45) the right and power to make and apply laws.

JUSTIFY (p. 17) to give reasons for.

LEGITIMACY (p. 45-a) moral or legal rightness.

MATERIAL GOODS (p. 13) that which has physical substance. The term is often used to distinguish those parts of a culture which are physical as opposed to the beliefs, customs, and social practices.

ORAL HISTORY (p. 7) a history which is passed down through the spoken rather than the written word.

PER CAPITA PAYMENT (p. 40-a) money that is paid to each member of a tribe or group of people; usually refers to money that is awarded in claims cases involving land and natural resources.

POINT OF VIEW (p. 4) the perspective or position from which something is reported.

PRIVATE PROPERTY (p. 30) property that belongs to a single individual rather than a group of people. (For opposing term, see COMMUNAL).

RATIFICATION (p. 24) official confirmation.

RESERVATION (p. 14) land which has been reserved in a treaty or contract between the U.S. government and (an) Indian tribe(s) for use by the tribes(s). (See p. 23 for a more detalied discussion).

SELF-DETERMINATION (p. 44) freedom of a group of people to make decisions about their own lives.

SOCIAL SCIENTIST (p. 39) a person who studies society using scientific methods.

SOVEREIGNTY (p. 1) the exercise of political power. The term tribal sovereignty as it is used in the title of this book emphasizes that tribes are governmental bodies which exercise political power.

SPECULATION (p. 22) the activty of buying or selling, often on the spur of the moment and with risk, in hopes of making a large profit.

SYMPOSIUM (p. 1) a meeting or conference held for the purpose of discussing a given subject.

TERMINATION (p. 40) a federal policy begun in the 1950's which had as its purpose the dissolution of Indian tribes as separate political powers.

TREATY (p. 14) an agreement between two separate political powers, establishing conditions for peace, trade, alliances, etc.

WAR ON POVERTY (p. 41) the title of a program instituted by the Johnson Administration, which aimed at reducing poverty in the United States.